

Title

REVIEW REQUIREMENTS	REFERENCE	
FORMS		
Advisory Organizations and Forms Providers		
Applications		
Need not be filed unless part of policy	KRS 304.14-020, KRS 304.14-120	Applications filed will be approved or disapproved as the law requires. Those forming a part of the policy must comply with all of the laws related to forms.
Fraud notice	KRS 304.47-030	All applications and claim forms shall contain a statement that clearly states in substance the following: "Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent act, which is a crime."
Warranties prohibited	KRS 304.14-110	Statements in applications are representations, not warranties. They shall not prevent recovery under the contract unless they are fraudulent, material to the acceptance of the risk, or the insurer would not have issued at the same premium rate or policy limits.
Arbitration		
Mandatory binding arbitration is prohibited	Kentucky Constitution, Section 14, KRS 304.14-370, KRS 417.050	No conditions, stipulations or agreements in a contract of insurance shall deprive the courts of this state of jurisdiction. However, the parties may agree to binding arbitration after the dispute arises. Nonbinding arbitration provisions are permitted.
Cancellation & Nonrenewal		
Contents of Policies and other forms		
Ambiguous, inconsistent, misleading language prohibited, and substantial legibility required	KRS 304.14-130 (1)(b)(c)	Forms shall not: (1) contain any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract or (2) contain any title, heading, or indication which is misleading, or be printed in a size of type or manner of reproduction so as to be substantially illegible.
English language requirement	KRS 304.14-435	All policy forms and any other insurance policy or claim-related information shall be written in the English language.
Agreements part of the contract	KRS 304.14-180	Agreements in conflict with, modifying, or extending the contract must be made part of the policy.
Blank endorsements are prohibited	KRS 304.14-120, 806 KAR 14:006, Memo 12-15-95	Endorsements containing blanks where the policy may be amended are not permitted, because all policy language, terms and conditions, etc., must be submitted for prior approval. We will, however, accept a form with the following stipulations: <ul style="list-style-type: none"> Underwriting rule pages showing the use of the endorsement must accompany the endorsement filing; A disclaimer must be in a prominent position on the endorsement indicating, "This endorsement will not be used (a) to impede, restrict, amend or otherwise revise any provisions, exclusions, conditions or other terms of the policy to which it is attached or (b) as a renewal certificate"; AND The endorsement must include a signature and date line for the insured's acknowledgement. The only other way the form will be accepted is where the numbered form lists all possible changes for which it will be used and is approved. The form may be computer generated and only print out the change(s) necessary for a particular insured; however, all changes that may at any time be used must be filed and approved before use of the form.
Coercion in requiring insurance prohibited	KRS 304.12-140	No person engaged in the business of financing the purchase of property or of lending money on the security of property shall require the borrower to negotiate through a particular insurer(s), or insurance agent(s) any policy of property insurance or renewal.
Conformity clauses	KRS 304.14-130 (1)(a)	Forms shall not be approved if they are in any respect in violation of or do not comply with KY law. The presence of a conformity clause will not bring about approval of otherwise non-compliant policy provisions.
Grouping for preferential treatment	806 KAR 14:090	The grouping of persons or risks for preferential treatment in insurance rates or forms is prohibited unless filed and approved.
Group certificates	806 KAR 14:060	Group certificates must be filed and approved.
Policies may be assignable or not	KRS 304.14-250	A policy may be assignable or not assignable as provided by its terms.
Jurisdiction of courts	KRS 304.14-370	No conditions in policies may limit the jurisdiction of Kentucky courts.
Venue of suit against insurers	KRS 304.14-380	Suit upon causes of action arising within this state against an insurer upon an insurance contract shall be brought in the county where the cause of action arose or in the county where the policyholder instituting the action resides.

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Limitation of suits against insurer not less than one year	KRS 304.14-370	No conditions in policies may limit the time for commencing actions against insurers for a period of less than one year.
Dividend Plans		
Dividends payable to individual members, Dividends not guaranteed	KRS 304.14-290, 806 KAR 14:030	Every insurer, issuing participating policies, shall pay dividends, unused premium refunds or savings distribution on account of any such policy only to the real party in interest entitled. Dividends payable under participating policies shall not be guaranteed.
Dividend plans filings, participation	806 KAR 14:110	<ul style="list-style-type: none"> Insurer must identify and group policyholders contributing to such savings into specific classifications. Insurer must file dividend plans in "same manner as a rate filing" Cannot propose both participating and nonparticipating policies for the same class of risk. Plan must be made available to all insureds meeting the eligibility requirements. Agents licensed by one or more companies of a group must also be licensed by the company within such group authorized to write dividend plans, if such agent does not write such participating policies. Initial filing must contain either satisfactory evidence of proper specific charter (defined in KRS 304.3-050), authority to issue participating policies, or satisfactory evidence that the laws of its domicile provide that it may issue policies entitled to participate in the earnings of the insurer through dividends. Filing must also contain proposed policy provisions or proposed policy endorsement form for payment of dividends, which must also provide that all such dividends must be paid directly to the insured. Dividends must be paid only out of that part of the surplus funds derived from any realized net profits from insurer's business. Brochures and advertising materials must affirmatively and clearly set forth that dividends are not guaranteed and that all policyholders are eligible for the dividend program whether or not they are members of, or affiliated with, any association.
Eligibility of Insurer		
Combinations of Insuring powers, one Insurer	KRS 304.3-110	A title insurer shall be a stock insurer, and shall not transact any other kind of insurance.
Filing Standards		
Prior approval	KRS 304.14-120	No policy form, application made a part of the policy, rider, endorsement, certificate, etc., shall be delivered until approved.
Forms disapproved or withdrawn	KRS 304.14-120 and 130(2) Bulletin 2001-3	Disapproved filings require a new filing submitted with appropriate fees and forms. The insurer shall not use in this state any form after disapproval or withdrawal of approval.
Filing document set	KRS 304.14-120, 806 KAR 14:006, Bulletin 2001-3	<p>Filings must be submitted with two (2) full document sets and three (3) transmittal documents, per insurer (except where group filing is being made), per line of insurance. Each document set must contain the following properly completed forms and information:</p> <ul style="list-style-type: none"> F-1A, P&C, per insurer (except only one is need per group filing), per line of insurance F-1G, P&C, where group filing is being made The company's transmittal document setting forth the changes Synopsis Form S-2 F-2 P&C (Forms Index Sheet) properly completed for each column. Forms must be filed separately from rates and rules. The company's documents that are being revised/submitted <p>Each filing must also contain the proper filing fees per company per line of insurance and a self-addressed, stamped envelope. Once a filing is acted upon by the department, it may be amended only by submitting a complete new filing.</p>
Fees collected in advance	KRS 304.4-010	Fees collected in advance or within 15 days of electronic submission.
Retaliatory provision	KRS 304.3-270	When fees, taxes, fines, etc, charged by the state of domicile are in excess of Kentucky fees, then the domicile state's fees apply.
Liberalization Clause		
Liberalization	KRS 304.14-180, 806 KAR 14:050	If additional benefits are afforded to policyholders of an insurer which do not require increases in premium rates or reductions of coverage, such benefits shall also be afforded to all prior policyholders paying the same rates.
Loss Settlement		
Proof of Loss forms	KRS 304.14-270	Insurers shall furnish proof of loss forms upon written request of any person.
Claim payment offset by premium due prohibited	KRS 304.12-230(5), (6), (8)	Any attempt by a carrier to offset the amount it owes on a claim by the amount of premium an insured owes could be an unfair denial of a claim. The insured has a reasonable expectation that if the claim is covered, coverage will be provided up to the limits of the policy.
HIV Exclusion , Limits, or Different Terms or Conditions	KRS 304.14-130 (1)(e)	HIV shall not be excluded or treated differently than other sicknesses or medical conditions.

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Time for payment of claims	KRS 304.12-235	Claims to be paid in 30 days or interest owed.
RATES and RULES		
Advisory Organizations and Statistical Agents		
Dividend Plans		
Dividends payable to individual members, Dividends not guaranteed	KRS 304.14-290, 806 KAR 14:030	Every insurer, issuing participating policies, shall pay dividends, unused premium refunds or savings distribution on account of any such policy only to the real party in interest entitled. Dividends payable under participating policies shall not be guaranteed.
Dividend plans filings, participation	806 KAR 14:110	<ul style="list-style-type: none"> Insurer must identify and group policyholders contributing to such savings into specific classifications. Insurer must file dividend plans in "same manner as a rate filing." Cannot propose both participating and nonparticipating policies for the same class of risk. Plan must be made available to all insureds meeting the eligibility requirements. Agents licensed by one or more companies of a group must also be licensed by the company within such group authorized to write dividend plans, if such agent does not write such participating policies. Initial filing must contain either satisfactory evidence of proper specific charter (defined in KRS 304.3-050), authority to issue participating policies, or satisfactory evidence that the laws of its domicile provide that it may issue policies entitled to participate in the earnings of the insurer through dividends. Filing must also contain proposed policy provisions or proposed policy endorsement form for payment of dividends, which must also provide that all such dividends must be paid directly to the insured. Dividends must be paid only out of that part of the surplus funds derived from any realized net profits from insurer's business. Brochures and advertising materials must affirmatively and clearly set forth that dividends are not guaranteed and that all policyholders are eligible for the dividend program whether or not they are members of, or affiliated with, any association.
Eligibility of Insurer		
Combinations of Insuring powers, one Insurer	KRS 304.3-110	A title insurer shall be a stock insurer, and shall not transact any other kind of insurance.
Filing Standards		
Filing of rates; rate standard; Adherence	KRS 304. 22-020	Rates shall be filed, before use, and thereafter every modification or amendment thereof. Rates shall not be excessive, inadequate, or unfairly discriminatory. Rates must be adhered to until amended.
Filing document set	Bulletin 2001-3	<p>Filings must be submitted with two (2) full document sets and three (3) transmittal documents, per insurer (except where group filing is being made), per line of insurance. Each document set must contain the following properly completed forms and information:</p> <ul style="list-style-type: none"> F-1A P&C per line of insurance and per insurer (except only one is needed when group filing is being made) F-1G P&C where group filing is being made The company's transmittal document setting forth the changes S-1, S-3, LC-1, etc., as necessary The company's documents that are being revised/submitted <p>Each filing must also contain filing fees per company per line of business and a self-addressed, stamped envelope, even when group filing is being made.</p> <p>Once the department acts upon a filing, it may be amended only by submitting a complete new filing.</p>
Fees Collected in Advance	KRS 304.4-010	Fees shall be collected in advance or within 15 days if the filing is submitted electronically.
Retaliatory Provision	KRS 304.3-270	When fees, taxes, fines, etc., charged by the state of domicile are in excess of Kentucky fees, then the domicile state's fees apply.
General Rates and Rules		
Premium defined; fees are included	KRS 304.14-030 & Bulletin 94-3	Premium is the consideration for insurance, by whatever name called. Any assessment or any membership, policy, survey, inspection, service, reinstatement, cancellation or similar fee or other charge in consideration for an insurance contract is deemed part of the premium.
Illegal dealing in premium	KRS 304.12-190	No person shall charge for insurance not provided nor charge any amount in excess of that expended for insurance nor knowingly fail to refund any charge for insurance in excess of the amount actually expended for insurance. Unearned premium shall be refunded upon the request of the insured, even if nominal. Minimum earned premiums and fully earned fees such as policy, membership, reinstatement, cancellation, etc., may be used only when the remaining premium is refunded prorata or under other circumstances with support.

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Grouping for preferential treatment	806 KAR 14:090	Grouping of persons or risks for preferential treatment in insurance rates or forms is prohibited unless filed and approved.
Unfair discrimination prohibited	KRS 304.12-080, 806 KAR 14:090	Actuarial evidence of difference in risk or expenses must be provided.
<ul style="list-style-type: none"> • Association discounts • Pricing based on education 		
HIV Exclusion, Limits, or Different Terms or Conditions	KRS 304.14-130 (1)(e)	HIV shall not be excluded or treated differently than other sicknesses or medical conditions.
Rebates prohibited	KRS 304.12-090 and 100	
Flexible commissions prohibited	KRS 304.12-080 and 090	
Illegal inducements to buy insurance prohibited	KRS 304.12-110	Some discounts may be illegal inducements.
Renewal, Nonrenewal, Cancellation, Declination		
Declination and nonrenewal prohibited	KRS 304.12-085	No person shall, whether acting for himself or another in connection with an insurance transaction, fail or refuse to issue or renew insurance to any person because of race, color, religion, national origin, or sex.
Taxes and Fees		
Late fees on entire premium	KRS 304.14-030	Maximum of 18% per annum if premium late 30 days or more. Such charges shall be clearly indicated on all bills and statements of account.
Fees for handling insurance transactions prohibited	KRS 304.12-160	No person who makes a loan on property shall, in connection with such transaction, make any separate charge or require a fee for the substitution by a borrower of one insurance policy on the property for an existing policy on the property when the existing or substituted policy is provided through an insurer or licensed insurance agent.
Local government premium tax	KRS 91A.080, 806 KAR 2:096 and 097, annual July Bulletin	If filed, they must be current and accurate. Must be disclosed on title page of policy issued for the first time when the tax is charged.
Premium surcharge	KRS 136.392, 806 KAR 2:100	Must be disclosed on dec page of policy issued for the first time when the surcharge is charged.